

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JAMES C. GARRETT,

Petitioner,

V.

ROB MCKENNA,

## Respondent.

CASE NO. C05-0898RSM

## ORDER DENYING MOTION FOR RECONSIDERATION

This matter comes before the Court on petitioner’s Motion for Reconsideration. (Dkt. #25). Petitioner asks this Court to reconsider two of its previous Orders, which adopted the Report and Recommendations (“R&R”) issued in his case. One of the R&Rs recommended the denial of an emergency stay and injunction based on lack of personal jurisdiction. (Dkt. #15). The Court adopted that R&R without additional comment. (Dkt. #22). The other R&R recommended the dismissal of petitioner’s action based on lack of jurisdiction because petitioner had failed to name the correct defendant. (Dkt. #16). The Court adopted that R&R, and also noted that, although petitioner requested to amend his petition in his objections, that request was untimely, especially in light of the fact that petitioner had been alerted to the deficiency prior to the issuance of the R&R. (Dkt. #23). Petitioner now asks the Court to reconsider its Orders, arguing that this Court is violating his constitutional rights by refusing to let him amend his

ORDER DENYING MOTION FOR RECONSIDERATION  
PAGE - 1

1 petition.

2 Having reviewed petitioner's motion (Dkt. #25), and the remainder of the record, this  
3 Court hereby finds and ORDERS:

4 (1) Petitioner's Motion for Reconsideration (Dkt. #25) is DENIED. By local rule,  
5 motions for reconsideration are disfavored, and the Court will ordinarily deny such a motion in  
6 the absence of "a showing of new facts or legal authority which could not have been brought to  
7 its attention earlier with reasonable diligence." W.D. Wash. Local Rule CR 7(h). Petitioner's  
8 current arguments have already been presented to this Court in his motion to amend, which was  
9 construed as objections to the R&Rs. He has presented no new facts or legal authority  
10 warranting reconsideration by this Court.

11 (2) The Clerk shall forward a copy of this Order to all counsel of record.

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13 DATED this 31 day of October, 2005.

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RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE